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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,574	12/08/2003	Kenneth J. Juncker	AG-118US	3069
24314	7590	08/22/2005	EXAMINER	
JANSSON, SHUPE & MUNGER & ANTARAMIAN, LTD 245 MAIN STREET RACINE, WI 53403			NEWVILLE, TONI E	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/730,574	JUNCKER, KENNETH J.
	<b>Examiner</b>	<b>Art Unit</b>
	Toni Newville	3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 09 June 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 11-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 18-22 is/are allowed.
- 6) Claim(s) 11-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 1 and 2, filed 6/9/2005, with respect to the rejection(s) of claim(s) 11-17 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference Juncker et al., US 2002/0130552.

### ***Terminal Disclaimer***

2. The terminal disclaimer filed on 6/9/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6543861 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Claim Rejections - 35 USC § 103***

3. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindblom, US 5373902, as previously cited, in view of Juncker et. al., US 2002/0130552.

Regarding claim 11, Lindblom, as noted in previous office action, discloses a soil stabilizer comprising:

- A stabilizer frame (12);
- A rotor (14) rotatably mounted with respect to the stabilizer frame (12), the rotor (14) movable with respect to the ground surface;
- A rotatable axle (shown in Figure 1) connected with respect to the stabilizer frame and adapted for moving the stabilizer frame (12) and rotor across the ground surface.

As noted in previous office action, Lindblom fails to disclose that the soil stabilizer is supported and moved by a track apparatus. However, Juncker discloses a soil stabilizer moved and supported by a track apparatus. *the DETAILS OF WHICH ARE SET FORTH BELOW.* As stated in the previous office action, it would have been obvious to one having ordinary skill in the art to provide the soil stabilizer of the Lindblom patent with the track apparatus of the Juncker patent in order to reduce the ground pressure and increase the traction of Lindblom's soil stabilizer.

Juncker discloses a track apparatus operatively mounted to a rotatable axle (52), the track apparatus providing for movement of the stabilizer frame and rotor across the ground surface, the track apparatus including:

A continuous flexible track (15) having an upper length and a ground-engaging lower length and including an inner surface (Figure 4);

An axle wheel (12) secured to the rotatable axle (52), the axle wheel (12) engaging the inner surface of the flexible track (15) along the upper length to drive the flexible track (15) in response to rotation of the axle (52);

A plurality of wheels (137, 101, 107, 117) engaging the inner surface of the track (15), including leading (137) and trailing (117) idler wheels;

Bogie wheels (101, 107) engaging only a middle portion of the lower length of the track (15);

An apparatus frame (56) for mounting the axle wheel (12), the apparatus frame (56) being of a uni-body construction that includes a plurality of fixed-mounts in fixed relative positions, each fixed-mount defining an axis, (Figure 4) wherein:

The axle wheel (12) is rotatably mounted to one of the fixed-mounts and turns on the respective fixed-mount axis (52);

One of the idler wheels (117) is rotatably mounted to one of the fixed-mounts and turns on the respective fixed-mount axis;

The bogie wheels (101, 107) are rotatably mounted to one of the fixed-mounts and turn on the respective fixed-mount axis, and

An idler-mounting bracket (142) is pivotably mounted (at 97) to another of the fixed-mounts and pivots on the respective fixed-mount axis, the bracket (142) having an idler-mount defining an idler-mount axis at which the other idler wheel (137) is rotatably mounted in variable positions with respect to the apparatus frame (56).

Regarding claim 12, the apparatus frame defines a lateral recess receiving the axle wheel (Figures 1 and 2).

Regarding claim 13, the apparatus frame includes a spindle hub for rotatably receiving the rotatable axle (Figure 3).

Regarding claim 14, the fixed-mounts inherently comprise apertures for receiving axles therethrough (Figure 4).

Regarding claim 15, the trailing idler wheel (117) is rotatably mounted to one of the fixed-mounts and the leading idler wheel (137) is rotatably mounted (at 97) to the idler-mount (Figure 4).

Regarding claim 16, the trailing idler wheel (117) comprises a pair of axially-aligned wheels (Figure 3) and the leading idler wheel (137) comprises a pair of axially-aligned wheels (Figure 3).

Regarding claim 17, the apparatus further comprises a leading idler assembly (97, 142, 137) attached to the apparatus frame (56) at one of the fixed mounts, the leading idler assembly (97, 142, 137) including the leading idler wheel (137) engaging the flexible track (15).

***Allowable Subject Matter***

4. Claims 18-22 are allowed.

***Conclusion***

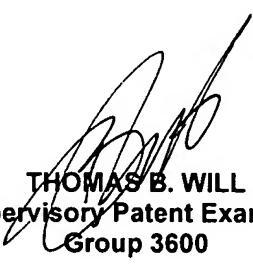
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toni Newville whose telephone number is (571) 272 - 1548. The examiner can normally be reached on Monday - Friday 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toni Newville  
August 11, 2005



THOMAS B. WILL  
Supervisory Patent Examiner  
Group 3600